

William Paul, *pro se*
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FILED
 DEC 19 2017
 SUSAN Y. SOONG
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

RM

William Paul, *pro se*
 Plaintiff,
 vs.

CV 17 7197
 Case No. _____
 (to be filled in by the Clerk's Office)

Redwood National and State Parks,
 Marshall Neeck, Chief Ranger
 Park Ranger No. 1,
 Park Ranger No. 2,
 Park Ranger No. 3,
 Park Ranger No. 4,
 Park Ranger No. 5,
 Park Ranger No. 6
 Del Norte County Sheriffs
 Department,
 Erik Apperson, Del Norte County
 Sheriff,
 Sheriffs Deputy No. 1,
 Sheriffs Deputy No. 2,
 Defendants

Complaint for Violation of Civil Rights
 (Non-Prisoner Complaint)
 Request for Jury Trial

I. THE PARTIES TO THE COMPLAINT

A. The Plaintiff: William Paul
 1379 Jordan Street
 Crescent City, CA 95531
 (707) 954-5659

B. The Defendants:

Defendant #1: Redwood National and State Parks
1111 2nd Street
Crescent City, CA 95531
(707) 465-7335

Defendant #2: Marshall Neeck, Chief Ranger, Redwood National and State
Parks, in his official and individual capacity.
1111 2nd Street
Crescent City, CA 95531
(707) 465-7335

Defendant #3: Park Ranger No. 1, Redwood National and State Parks, in his
official and individual capacity.
1111 2nd Street
Crescent City, CA 95531
(707) 465-7335

Defendant #4: Park Ranger No. 2, Redwood National and State Parks, in his
official and individual capacity.
1111 2nd Street
Crescent City, CA 95531
(707) 465-7335

Defendant #5: Park Ranger No. 3, Redwood National and State Parks, in his
official and individual capacity.
1111 2nd Street
Crescent City, CA 95531
(707) 465-7335

Defendant #6: Park Ranger No. 4, Redwood National and State Parks, in his
official and individual capacity.
1111 2nd Street
Crescent City, CA 95531
(707) 465-7335

1 Defendant #7: Park Ranger No. 5, Redwood National and State Parks, in his
2 official and individual capacity.
3 1111 2nd Street
4 Crescent City, CA 95531
(707) 465-7335

5 Defendant #8: Park Ranger No. 6, Redwood National and State Parks, in his
6 official and individual capacity.
7 1111 2nd Street
8 Crescent City, CA 95531
(707) 465-7335

9 Defendant #9: Del Norte County Sheriffs Department
10 450 Fifth Street
11 Crescent City, CA 95531
(707) 464-4191

12 Defendant #10: Sheriff Eric Apperson, Del Norte County Sheriffs Department,
13 in his official and individual capacity.
14 450 Fifth Street
15 Crescent City, CA 95531
(707) 464-4191

16 Defendant #11: Sheriffs Deputy #1, Del Norte County Sheriffs Department,
17 in his official and individual capacity.
18 450 Fifth Street
19 Crescent City, CA 95531
(707) 464-4191

20 Defendant #12: Sheriffs Deputy #2, Del Norte County Sheriffs Department,
21 in his official and individual capacity.
22 450 Fifth Street
23 Crescent City, CA 95531
(707) 464-4191

24 Plaintiff is currently unaware of the true names of Defendants #3 through #8
25 inclusive, and Defendants #11 and #12, and, therefore, sue Defendants by said
26 fictitious names. Plaintiff will seek leave of this court, as necessary, to amend this
27 complaint to assert the true names of Defendants when such information has been
28

1 obtained. Plaintiff is further informed and believes and based thereon, maintains
2 that each defendant has participated in some way in the wrongful and illegal acts
3 alleged below and is liable to Plaintiff for damages and other relief to which he is
4 entitled.

5 II. BASIS FOR JURISDICTION

6 A. Bivins Suit

7 Plaintiff brings suit against federal employees, Defendants #1 through #8,
8 inclusive, under *Bivens v. Six unknown Named Agents of Federal Bureau of*
9 *Narcotics*, 403 U.S. 388 (1971).
10

11 B. 42 U.S.C. § 1983 Suit

12 Because Defendants #1 through #12, inclusive, acted under “color of law”
13 and because Defendants #1 through #8 committed unlawful acts on California
14 State Park land, Plaintiff brings suit against Defendants #1 through #12 under 42
15 U.S.C. § 1983 .
16

17 III. STATEMENT OF FACTS

18 On Friday, January 22, 2016 at approximately 4:00 pm. Plaintiff was
19 returning from a walk with his dog on Howland Hill Road which is in the Jedediah
20 Smith Redwood State Park. As Plaintiff was approaching his truck, he and his dog
21 were confronted by two Park Rangers, a male and female, Defendants #3 and #4,
22 with their weapons drawn in a firing stance, ready to shoot the Plaintiff and his
23 dog. Defendants #3 and #4 ordered Plaintiff to put his dog in his truck, and they
24 proceeded to interrogate him. Plaintiff told the Park Rangers that he had a mental
25 disability and did not understand what was going on. They called for back-up and
26 two additional Park vehicles arrived on the scene with four additional Park
27 Rangers.
28

1 Defendants #3 and #4 ordered Plaintiff to put his keys on the hood of his
2 truck and raise his shirt so they could see that he was not armed, and Plaintiff
3 complied. They then asked Plaintiff if they could pat him down, and again
4 Plaintiff complied. When Defendants #3 and #4 told Plaintiff that they were going
5 to put their hands under his waistband, he denied saying, "Whoa, whoa, whoa! I'd
6 like to hang on to what little rights I still have". In an instant, Defendants #3 and
7 #4 became angry and slammed plaintiff to the ground, stating that he was resisting
8 arrest, and pushed his face into the mud.

9
10 Plaintiff was then handcuffed and forced to stand in the pouring rain for over
11 an hour while they searched his vehicle. Plaintiff told them that he sure hoped they
12 had a dash-cam, as the whole scene took place directly in front of the patrol
13 vehicle. They assured him that they did, indeed, have a dash-cam.

14
15 Defendants #3 and #4 emptied all of Plaintiff's pockets and threw the
16 contents, including all of his money, on the muddy ground. When they placed him
17 in the patrol car, Plaintiff asked Defendants #3 and #4 to pick up his money from
18 the mud, and they refused. Plaintiff was then transported to the Del Norte County
19 Jail. On the way, Plaintiff said he was wet and cold and asked Defendants #3 and
20 #4 if they could turn on the heat in the patrol vehicle. Defendants #3 and #4 put on
21 the air conditioning instead.

22 When the Plaintiff arrived at the jail he expressed his concern about his dog
23 stating that she had salmon poisoning and needed medication. Defendants #3 and
24 #4 told Plaintiff that his truck had been towed and impounded and his dog was
25 taken to the dog pound.
26
27
28

1 Plaintiff was held in the Del Norte County Jail for over 8 hours, was never
2 told what he was arrested for, never read his Miranda Rights nor allowed to make a
3 phone call. Upon being released at approximately 1:30 am on January 23, 2016,
4 Plaintiff asked the Sheriffs deputies, Defendants #11 and #12, how he could
5 contact the dog pound to let them know his dog had salmon poisoning and she
6 could die without her medicine. They scoffed and said that the dog pound was
7 closed until Monday and that she would just have to die.

8
9 Plaintiff was released from jail in the early morning hours of January 23,
10 2016 suffering from hypothermia, with no truck, no money, and fearing for the life
11 of his dog. At daylight, Plaintiff borrowed money to get his truck out of impound
12 and immediately drove to the dog pound. He was relieved when he saw a
13 volunteer who was feeding the dogs, and she kindly agreed to give his dog her
14 medicine.

15 Because Plaintiff is on a fixed income, and Defendants #3 and #4 had left all
16 of his money in the mud at the Jedediah Smith Redwoods State Park, on Monday
17 Plaintiff had to borrow more money to get his dog out of the pound.

18
19 Several weeks later, Plaintiff appeared in court on the date and time
20 designated on his jail release form. Plaintiff spent several hours sitting through the
21 court cases and when Plaintiff was the only one left in the courtroom, the judge
22 informed him that he had no charges before him. There was no file for William
23 Paul.

III. CAUSES OF ACTION

A. Bivens Suit

Plaintiff hereby brings suit against the Redwood National and State Parks, Chief Park Ranger Marshall Neeck, and unknown, unnamed Defendants #3 through #8, inclusive, for violating Plaintiff's Constitutional Rights as follows:

1. Fourth Amendment : Unlawful Search and Seizure.

Defendants #1 through #8 did violate Plaintiff's Fourth Amendment right by unlawfully searching the person of Plaintiff and Plaintiff's vehicle without probable cause. Although plaintiff allowed Defendants #3 and #4 to pat him down, when he evoked his fourth amendment right, they became extremely aggressive and physically abusive.

2. Fifth Amendment: Unlawful Detainment, Arrest and Incarceration.

Defendants #1 through #8, inclusive, did violate Plaintiff's Fifth Amendment right by unlawfully detaining, arresting and incarcerating Plaintiff without due process of law. While Defendants #3 and #4 detained and handcuffed Plaintiff, Defendants #5, #6, #7 and #8 stood by complacently watching the Rangers' unlawful actions.

3. Eighth Amendment: Cruel and Unusual Punishment.

Defendants #1 through #8, inclusive, did violate Plaintiff's Eighth Amendment right by inflicting cruel and unusual punishment. Not only did Defendants #1 through #8 force Plaintiff to stand for over an hour in the pouring rain, Defendants #3 and #4 turned on the air conditioning in the patrol vehicle en route to the County jail when Plaintiff asked them to turn on the heat.

1 4. Fourteenth Amendment: Due Process Clause

2 Defendants #1 through #8, inclusive, did violate Plaintiff's Fourteenth
3 Amendment right by intentionally denying him due process of his
4 constitutional rights. The actions of Defendants #3 through #8, inclusive,
5 demonstrated intentional and willful disregard for the law and for Plaintiff's
6 constitutional rights.

7
8 **B. 42 U.S.C. Section 1983 Suit**

9 Plaintiff hereby brings suit against the Redwood National and State Parks
10 and Defendants #2 through #12, inclusive, for acting "under color of law" of the
11 State of California on California, by violating the following "rights, privileges, or
12 immunities secured by the Constitution and [federal laws]." 42 U.S.C. § 1983.

13 The National and State Parks and Defendants #2 through #8, inclusive,
14 acting under color of law, did violate with malicious intent, Plaintiff's right to life,
15 liberty and the pursuit of happiness as guaranteed by the U.S. Constitution and the
16 following Bill of Rights:

17
18 1. Fourth Amendment Right: Defendants #1 through #8, inclusive, are
19 held accountable for unlawfully searching and seizing the person of Plaintiff
20 and Plaintiff's vehicle without probable cause and after he evoked his Fourth
21 Amendment Right.

22
23 2. Fifth Amendment: Defendants #1 through #12, inclusive, are held
24 accountable for unlawfully detaining, arresting and incarcerating Plaintiff
25 without due process of law, without reading him his Miranda Rights, and
26 without allowing him to make a phone call.

4. Fourteenth Amendment: Defendants #1 through #12, inclusive, did violate Plaintiff's Fourteenth Amendment right by intentionally denying him due process of his constitutional rights. The actions of Defendants #3 through #8, inclusive, and Defendants #11 and #12 demonstrated intentional and willful disregard for the law and for Plaintiff's constitutional rights.

16 **IV. INJURIES**

Plaintiff was released from the jail with hypothermia and sustained abrasions and bruises as the result of excessive force used by the National Park Rangers. Plaintiff was emotionally traumatized by the encounter which was intensified due to his mental disability. Additionally, plaintiff endured severe mental anguish over their lack of compassion regarding the treatment and care of his sick dog, who is his best friend and his only living family. Even after nearly two years, Plaintiff is plagued by nightmares. Plaintiff becomes extremely distraught when faced with court related matters and when encountering law enforcement officers. He no longer feels safe to enjoy walks with his dog in our beautiful State and National

1 Parks. The quality of Plaintiff's life will will be forever damaged because of the
2 actions of our park and law enforcement personnel and their intentional disregard
3 for the constitutional rights of citizens.

4
5 **V. RELIEF**

6
7 Plaintiff hereby requests a trial by jury under Rule 38(b) of the Federal Rules
8 of Civil Procedure.

9
10 Plaintiff hereby prays this court recommend that the National and State Park
11 Services promulgate mandatory training to stop the unnecessary use of excessive
12 force and the pervasive disregard for the Constitutional rights of American
13 citizens.

14
15 Plaintiff prays this court order an extensive review of other citizen
16 complaints against local Park Rangers for their unnecessary use of excessive force
17 and other unlawful practices.

18
19 Plaintiff prays this court hold the Del Norte County Sheriffs office
20 responsible for complacently allowing Park Rangers to violate the laws and
21 constitutional rights of American citizens and for intentionally inflicting emotional
22 duress.

23
24 Furthermore, Plaintiff prays this court order that Defendants #2 through #8,
25 and #10 through #12, inclusive, be disciplined, demoted and/or terminated for their
26 unlawful actions against Plaintiff and for their negligent disregard of his
27 Constitutional rights.
28

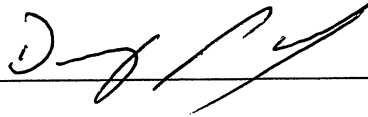
1 Plaintiff seeks compensatory damages to cover the cost of retrieving his
2 vehicle, his dog, and the money that was left on the ground, and an amount to be
3 determined by the jury for the physical abuse and emotional trauma he endured, as
4 well as the permanent loss of enjoyment of life. Plaintiff seeks punitive damages
5 in an amount to be determined by the jury.

6 7 VI. CERTIFICATION AND CLOSING

8
9 Under Federal Rule of Civil Procedure 11, by signing below, I certify to the
10 best of my knowledge, information, and belief that this complaint: (1) is not being
11 presented for an improper purpose, such as to harass, cause unnecessary delay, or
12 needlessly increase the cost of litigation; (2) is supported by existing law or by a
13 non frivolous argument for extending, modifying, or reversing existing law; (3) the
14 factual contentions have evidentiary support or, if specifically so identified, will
15 likely have evidentiary support after a reasonable opportunity for further
16 investigation or discovery; and (4) the complaint otherwise complies with the
17 requirements of Rule 11.

18 I agree to provide the Clerk's Office with any changes to my address where
19 case related papers may be served. I understand that my failure to keep a current
20 address on file with the Clerk's Office may result in the dismissal of my case.

21
22 Date of signing: 12-12, 2017.

23
24 Signature of Plaintiff 

25
26 Printed Name of Plaintiff William Douglas Paul